

MARCH 15, 2010

The Caswell County Board of Commissioners met in regular session at the Historic Courthouse in Yanceyville, North Carolina at 6:30 p.m. on Monday, March 15, 2010. Members present: George W. Ward, Jr., Chairman, Kenneth D. Travis, Vice-Chairman, Erik D. Battle, William E. Carter, Nathaniel Hall, Jeremiah Jefferies, and Gordon G. Satterfield. Also present: Kevin B. Howard, County Manager and Angela Evans representing The Caswell Messenger. Wanda P. Smith, Clerk to the Board, recorded the minutes.

MOMENT OF SILENT PRAYER

Chairman Ward opened the meeting with a Moment of Silent Prayer.

APPROVAL OF AGENDA

Chairman Ward stated that he would like to remove Item No. 6, Caswell County Emergency Services, to be placed on the Board's April 5, 2010 agenda, and add Presentation from Piedmont Conservation Council.

Commissioner Jefferies moved, seconded by Commissioner Travis to approve the agenda as presented, with the removal of Caswell County Emergency Services and addition of Presentation from Piedmont Conservation Council. The motion carried unanimously.

APPROVAL OF CONSENT AGENDA

Commissioner Jefferies moved, seconded by Commissioner Travis to approve the Consent Agenda as presented. The motion carried unanimously.

The following items were included on the Consent Agenda:

1) Approval of Minutes of February 9, 2010 Meeting

2) Tax Director's Monthly Report

| | |
|--|--------------|
| Total Amount of Taxes Collected for February, 2010 | \$593,473.88 |
| Tax Maps/Cards | \$ 225.50 |
| County Maps | \$ 19.80 |
| EMS Collections | \$ 301.00 |
| 2010 Prepayments | \$ 2,047.93 |

PUBLIC COMMENTS

Chairman Ward opened the floor for public comments.

Mr. John Claggett came before the Board and made the following comments:

“My name is John Claggett and I reside at 108 Jaye Lane, Providence, NC. Once again I would like to thank the Board for allowing my comments to become public record.

During the Board of Commissioners meeting of February 9th, 2010 the County Attorney stated in his report to the Board that quote, Hayes Iron and Metal was in compliance with the Outdoor Storage Ordinance and the issue is about fines, unquote.

Gentlemen, in accordance with the Caswell County Outdoor Storage Ordinance, Section 7-D Buffers, Screening, and Fencing Requirements, paragraph 2b – Fencing, the current fencing materials do not create an attractive and effective sight barrier as required. The junk is well within public view.

Paragraph 3a – Natural and Planted Buffers, a year round effective sight barrier is not provided as required. The junk is well within public view.

Paragraph 3b – Natural and Planted Buffers, all planted buffers shall be maintained to provide an effective visual barrier. If for whatever reason they fail to do so they must be replaced and or augmented by another option for screening as provided by this ordinance. The junk is well within public view. The screening requirements of our ordinance are not being adhered to by Hayes.

How can the County Attorney report that Hayes is in compliance with the Outdoor Storage Ordinance when the junk is well within public view?

Hayes Iron and Metal currently isn't in compliance with our Outdoor Storage Ordinance, and flagrantly hasn't been during this whole process.

Last March, one year ago, I contacted DA Brewer inquiring as to the possibility of his office conducting an investigation surrounding NC General Statute 14-230 willfully failing to discharge duties and was instructed by him to either take it to the Sheriff or the Attorney General's Office as criminal charges were needed for him to do an investigation. I took his advice and met with the Sheriff and was later advised by Sheriff Welch to contact the State Attorney General's Office as this would be a complaint against a government body. The problem with all of this is, at the same time, I was being informed by Special Agent Frank Brown of the North Carolina SBI that in accordance with NC General Statute 114-14, the Sheriff or DA could request assistance from the SBI. Now I ask each and every one of you here this evening if this doesn't sound like willfully failing to discharge duties..... at every level.

If a second **“Formal Letter of Complaint”** is required I'd be happy to oblige, just please instruct me of your preference of who to file it with.

Again, I thank you.”

PUBLIC HEARING – 2010-2011 COMMUNITY TRANSPORTATION PROGRAM GRANT
APPLICATION

Commissioner Travis moved, seconded by Commissioner Jefferies that the Board enter into a public hearing to receive comments on the proposed 2010-2011 Community Transportation Program Grant Application to be submitted to the North Carolina Department of Transportation. The motion carried unanimously.

Ms. Melissa Williamson, Director, Caswell Division of Transportation, came before the Board and stated that the Community Transportation Program provides assistance to coordinate existing transportation programs operating in Caswell County, as well as provides transportation options and services for the communities within this service area. Ms. Williamson added that these services are currently provided using demand response and trip referral, with services being rendered by the usage of CDOT vans. Ms. Williamson noted that all local matching dollars for the grant application will come from CDOT revenue surplus funds.

Ms. Williamson reported that the total estimated amount requested for the period of July 1, 2010 through June 30, 2011 is \$183,225.00, with the local match being \$23,878.00 and provided the following information:

| <u>Project</u> | <u>Total Amount</u> | <u>Local Share</u> |
|--|---------------------|--------------------------|
| Administrative | \$111,079.00 | \$16,663.00 (15%) |
| Capital (Vehicles & Other) | \$ 72,146.00 | \$ 7,215.00 (10%) |
| Operating (Small fixed-route, regional, and consolidated urban-rural systems only) | \$ 0 | \$ 0 (50%) |
| TOTAL PROJECT | \$183,225.00 | \$23,878.00 |
| Total Funding Request | | Total Local Share |

Commissioner Hall questioned Ms. Williamson as to what CDOT offers to the general public. Ms. Williamson answered that CDOT has a schedule which is on the County website listing the days that they provide transportation to medical facilities outside of the County. Ms. Williamson added that CDOT transports five days a week to the Caswell County Senior Center, Health Department, and Caswell Family Medical Center.

Commissioner Hall stated that he has gotten some inquiries over the years from citizens who would like to utilize the public transportation to travel from Milton or Semora to attend school at Piedmont Community College and questioned whether this is something that can be done through CDOT. Ms. Williamson answered that the Community Service Transportation Plan is

currently being updated and if there is enough need and riders, they would be more than willing to provide transportation for this route.

Commissioner Satterfield stated that he received a call from an elderly citizen who is disabled, wheel-chair bound, and needs assistance in getting onto the CDOT van and asked if it would be possible for her to receive assistance from someone to help her get on the van. Ms. Williamson answered that if someone is in a wheelchair CDOT staff can put them on an automatic lift to help them into the van. Ms. Williamson suggested that this individual contact the Senior Center because she would be eligible for assistance through ROAP funds and she would not have to pay anything for transportation.

There being no further comments, Chairman Ward declared the public hearing closed.

Commissioner Jefferies moved, seconded by Commissioner Satterfield to adopt the following *Community Transportation Program Resolution*. The motion carried unanimously.

COMMUNITY TRANSPORTATION PROGRAM RESOLUTION

Section 5311

FY 2011 RESOLUTION

Applicant seeking permission to apply for Community Transportation Program funding, enter into agreement with the North Carolina Department of Transportation, provide the necessary assurances and the required local match.

WHEREAS, Article 2B of Chapter 136 of the North Carolina General Statutes and the Governor of North Carolina have designated the North Carolina Department of Transportation (NCDOT) as the agency responsible for administering federal and state public transportation funds; and

WHEREAS, the North Carolina Department of Transportation will apply for a grant from the US Department of Transportation, Federal Transit Administration and receives funds from the North Carolina General Assembly to provide assistance for rural public transportation projects; and

WHEREAS, the purpose of these transportation funds is to provide grant monies to local agencies for the provision of rural public transportation services consistent with the policy requirements for planning, community and agency involvement, service design, service alternatives, training and conference participation, reporting and other requirements (drug and alcohol testing policy and program, disadvantaged business enterprise program, and fully allocated costs analysis); and

WHEREAS, Caswell County hereby assures and certifies that it will comply with the federal and state statutes, regulations, executive orders, Section 5333(b) Warranty, and all administrative requirements related to the applications made to and grants received from the Federal Transit Administration, as well as the provisions of Section 1001 of Title 18, U.S.C.

NOW, THEREFORE, be it resolved that the Chairman of the Caswell County Board of Commissioners is hereby authorized to submit a grant application for federal and state funding, provide the required local match, make the necessary assurances and certifications and be empowered to enter into an agreement, with the NCDOT to provide rural public transportation services.

PRESENTATION FROM PIEDMONT CONSERVATION COUNCIL

Ms. Julie Elmore, Director, Piedmont Conservation Council, Inc. came before the Board and stated that Piedmont Conservation Council, Inc. is a government sponsored non-profit organization and she is a United States Department of Agriculture (USDA) grant employee. Mr. Hester Vernon and Mr. Rick McVey, Piedmont Conservation Council Board members were also present. Ms. Elmore stated that she is tasked to assist local governments and other non-profits, as well as citizen groups and individuals with resource management and community resource development. Ms. Elmore added that Piedmont Conservation Council addresses natural resource conservation and community development issues.

Ms. Elmore informed the Board of some of the Council's success stories and projects.

Ms. Elmore informed the Board of some of the Piedmont Conservation Council current projects which include the Dan River Basin Coalition Project. Ms. Elmore stated that other projects include a Guilford County Farmland Protection Plan, Chatham County Conservation Plan, and Piedmont Local Foods Initiative. Ms. Elmore added that they also look at water supply and water conservation issues. Ms. Elmore stated that the Council also sponsors workshops on issues that may be of interest to citizens.

Commissioner Hall questioned Ms. Elmore as to whether the Piedmont Conservation Council could assist the county with stream assessment. Ms. Elmore answered that her organization could assist the County with this through the Clean Water Management Trust Fund which will pay for an assessment. Ms. Elmore stated that she would be glad to work with the County on this.

Upon questioning from Commissioner Satterfield, Ms. Elmore answered that since the County already has an Agricultural Advisory Committee it qualifies the County to apply for a State grant in the amount of \$35,000 - \$40,000. Ms. Elmore added that the State will pay for the County to develop a Farmland Protection Plan.

Upon questioning from Commissioner Satterfield as to what a landowner needs to do in order to qualify for the Voluntary Agriculture District, Mr. Hester Vernon and Mr. Rick McVey explained the process which begins with obtaining an application from the County Planner.

Commissioner Hall inquired about the Comprehensive County Conservation Plan and Ms. Elmore explained the process by which Chatham County developed its Plan.

Ms. Elmore invited a Board member to serve as an alternate on the Piedmont Conservation Council, which meets quarterly at Alamance Community College.

CASWELL COUNTY MANUFACTURED HOME SITING ORDINANCE

Mr. Brian Collie, County Planner, came before the Board to present amendments to the Caswell County Manufactured Home Siting Ordinance. Mr. Collie reported that the Planning Board approved a recommendation on February 26, 2010 to amend the Caswell County Manufactured Home Siting Ordinance. Mr. Collie stated that this amendment addresses the definition of a Manufactured Home Park along with the age requirement of manufactured homes placed within the County. Mr. Collie added that the Planning Board met on May 26, 2009, June 23, 2009, August 25, 2009, September 22, 2009, October 27, 2009, November 24, 2009, and January 26, 2010 to review and discuss these issues.

Mr. Collie informed the Board that the Planning Board chose to propose an amendment to the Manufactured Home Park definition because of its confusing language and its ability to create Manufactured Home Parks when owners did not want to be classified as a Park. Mr. Collie stated that the Planning Board amended the Ordinance to continue to require that if more than two manufactured homes were placed on an individual lot that it must be classified as a Manufactured Home Park, but reworded the definition to allow property owners to survey off an acre for placement of a manufactured home even if it adjoins other property that he or she may own, as long as it meets all other requirements for Caswell County.

Mr. Collie reported that the Planning Board also proposed an amendment to the Manufactured Home age requirement within the Ordinance. Mr. Collie stated that this was due to the Superior Court ruling that was made in 2009 stating that a County could not regulate manufactured homes based upon age, even though the State Building Code states that manufactured homes built before July 1, 1976 are not safe to be set up. Mr. Collie added that after review, the Planning Board recommends that any manufactured home constructed after July 1, 1976, can be set up within Caswell County as long as it meets all other requirements in the Ordinance, Caswell County, and the NC State Building Code.

The Board agreed to schedule a public hearing on the proposed amendments to the Caswell County Manufactured Home Siting Ordinance on April 5, 2010.

CASWELL COUNTY OUTDOOR STORAGE ORDINANCE

Mr. Brian Collie, County Planner, came before the Board to present proposed amendments to the Caswell County Outdoor Storage Ordinance. Mr. Collie stated that at the Board of Commissioners' meeting on August 18, 2009, it heard an appeal case from Mr. Bobby Plunkett to violations of the Caswell County Outdoor Storage Ordinance, and afterwards directed the Planning Board to review the 25 car requirement. Mr. Collie noted that Section 7(f) of the Outdoor Storage Ordinance refers to facilities such as Auto Sales, Repair and Body Shops, Towing Services, and all automobile, equipment, manufactured home, scrap, and junk graveyards/salvage yards.

Mr. Collie informed the Board that the Planning Board reviewed and discussed this topic on September 22, 2009, October 27, 2009, and November 24, 2009, and after review felt that

citizens operating Auto Sales facilities in the County should be able to have as many cars as they would like as long as they met all requirements of Section 7(f)(1) of the Caswell County Outdoor Storage Ordinance. Mr. Collie added that cars that do not meet the requirements of this section will not be classified under Auto Sales and will not be permissible.

Mr. Collie reported that the Planning Board met on January 26, 2010, and voted to recommend this amendment to the Outdoor Storage Ordinance to the Board of Commissioners.

Commissioner Travis stated that he felt that this proposed amendment would provide a loophole for those who do not want to abide by the rules of the Outdoor Storage Ordinance and added that he felt the number for cars should remain at no more than 25.

Commissioner Hall stated that he did not feel that increasing the number of cars would be creating a loophole, because if regular inspections of these facilities are made by the County this would not be a problem.

The Board agreed to schedule a public hearing on the proposed amendments to the Caswell County Outdoor Storage Ordinance on April 5, 2010.

HEALTH DEPARTMENT

Dr. Fred Moore, Health Director, came before the Board to request the release of a part-time position in the Health Department from the hiring freeze. Dr. Moore stated that the position is a half-time WIC Breastfeeding Peer Counselor position and will be funded entirely with State/Federal (USDA) WIC funds and no County dollars are being requested.

After discussion, Commissioner Carter moved, seconded by Commissioner Jefferies to approve the release of a half-time WIC Breastfeeding Peer Counselor position from the hiring freeze. The motion carried by a vote of six to one with Commissioner Travis voting no.

PELHAM INDUSTRIAL PARK WATER PROJECT

Mr. Matt Hastings, Project Engineer, with Dewberry came before the Board to present Amendment No. 1 to the Pelham Industrial Park Water Project. Mr. Hastings reported that this amendment in the amount of \$7,800 is for additional services required to bid separately and inspect the work required to provide immediate service being requested by NorAg Technologies due to problems they experienced with trying to develop an onsite well.

Mr. Hastings stated that the second portion of the amendment in an amount not to exceed \$5,000 includes additional hourly services being requested to help the County prepare a Water System Management Plan that is being required by the North Carolina Department of Environment and Natural Resources Public Water Supply. Mr. Hasting added that NCDENR originally gave verbal approval for the City of Danville to operate the proposed system and they later changed their decision to allow this and required Caswell County to be over operations which requires preparation of a Water System Management Plan.

After discussion, Commissioner Carter moved, seconded by Commissioner Hall to approve Amendment No. 1 for the Pelham Industrial Park Water Project. The motion carried unanimously.

WATER POLICY AND WATER AND SEWER RATES

Mr. Kevin Howard, County Manager, presented and discussed the final draft of the Water Policy and Water and Sewer Rates. Mr. Howard noted that included in the Water Policy is the requirement that any house within 200 ft. of this line has to tap onto this water line. Mr. Howard noted that this requirement is to enable the County to apply for grants to extend water lines.

Commissioner Hall stated that he has reservations about this requirement. Commissioner Hall added that the County is moving into a new arena and is doing the right thing, but he did not feel that the Board should require a private citizen to do something that they are not interested in doing just because the Board is doing the right thing. Commissioner Hall stated that he would like to see this requirement taken out of the Policy because there have been no public hearings and the community is not aware of this.

After further discussion, Chairman Ward directed the County Manager to present the final draft of the Water Policy and Water and Sewer Rates with corrections to the Board at its next meeting.

BUDGET AMENDMENT NO. 13

Mr. Kevin Howard, County Manager, presented and discussed Budget Amendment No. 13 for Fiscal Year 2009-2010. Commissioner Jefferies moved, seconded by Commissioner Carter to approve Budget Amendment No. 13 for Fiscal Year 2009-2010 as presented. The motion carried unanimously.

RECESS

The Board held a brief recess.

COUNTY MANAGER'S REPORT

Mr. Kevin Howard, County Manager, reported that the North Carolina Department of Correction has designated funds for Caswell County to use for substance abuse treatment for offenders that are on probation and parole in the community and provided a budget from the Criminal Justice Partnership Advisory Board for Fiscal Year 2010-2011. Mr. Howard stated that these funds must be applied for as a grant and must be dedicated to serving criminal offenders. Mr. Howard added that this grant is administered by the Criminal Justice Partnership Advisory Board and requires no local funds. Mr. Howard noted that starting in Fiscal Year 2011, Caswell and Person Counties will form a two-county program for the 9-A Judicial District. After discussion, Commissioner Satterfield moved, seconded by Commissioner Jefferies to approve the 2010-2011 budget for the Caswell-Person Criminal Justice Partnership Program for Fiscal Year 2010-2011. The motion carried unanimously.

Mr. Howard presented a request from Sheriff Welch for the Board to approve the release of an additional part-time reserve Detention Officer in the Detention Center from the hiring freeze. After discussion, Commissioner Carter moved, seconded by Commissioner Jefferies to approve the release of an additional part-time reserve Detention Office in the Detention Center from the hiring freeze. The motion carried unanimously.

Mr. Howard presented a request from Sheriff Welch for the purchase of four vehicles from the North Carolina State Highway Patrol Surplus in order to reduce upcoming budget costs for replacement vehicles. Mr. Howard stated that Sheriff Welch felt that this request, if approved, would allow for additional planning to address their fleet situation during budget preparation.

Mr. Howard presented the following list of vehicles from NCSHP Surplus:

| | |
|----------------------|-----------------------------|
| 2007 Dodge Charger | 95,679 miles @ \$10,450.00 |
| 2007 Dodge Charger | 90,503 miles @ \$10,450.00 |
| 2006 Chevrolet Tahoe | 100,000 miles @ \$10,925.00 |
| 2007 Chevrolet Tahoe | 93,648 miles @ \$15,200.00 |

Captain Scott Holbrook and Lieutenant Mike Adkins were present to answer questions concerning the vehicles and their use.

Upon questioning from Commissioner Battle, Mr. Howard answered that funds for the purchase of these vehicles were not budgeted for Fiscal Year 2009-2010.

Upon questioning from Commissioner Jefferies, Mr. Howard answered that there is approximately \$73,000 in the Contingency Fund.

Commissioner Satterfield expressed his concern with the high mileage on the Sheriff's patrol vehicles and the number of vehicles they're having to park.

After further discussion, Commissioner Satterfield moved, seconded by Chairman Ward to accept the recommendation of Sheriff Welch and approve the purchase of four North Carolina State Highway Patrol surplus vehicles in the amount of \$47,025 for the Sheriff's Office, to be appropriated from Contingency. The motion carried by a vote of six to one with Commissioner Hall voting no.

Mr. Howard announced that a trip to Pamlico County to view the new Detention Center has been scheduled for Tuesday, March 23, 2010, beginning at 7:00 a.m. Chairman Ward directed the Clerk to the Board to contact each Commissioner the next day to determine who will be able to attend.

Mr. Howard reported that the Town of Yanceyville is applying for a grant to connect their waterline to the County's waterline at North Elementary School and this will be an agenda item at the next Board meeting.

ANNOUNCEMENTS

Commissioner Battle reported that an appointment from the Board needs to be made to the UNC Partnership Board and requested that this be placed on their April 5, 2010 agenda.

Commissioner Battle questioned the County Manager as to whether he has obtained cost figures for metal detectors at the County Recreation Department as he had requested. Mr. Howard answered that he had not, but would provide this information at the next meeting.

Commissioner Satterfield inquired as to the status of the Webinar on Ethics Training for Elected Officials. Mr. Howard answered that he would review this further. Chairman Ward directed the Clerk to the Board to contact each Commissioner with this information.

Commissioner Jefferies inquired as to the status of the bridge request on the Yarborough's Mill Road. Mr. Howard answered that he would inquire about this.

Commissioner Travis announced that the Annual Chamber of Commerce Banquet would be held on Thursday, March 18, 2010, at 6:15 p.m. at Caswell Pines.

Commissioner Hall reported that the Dan River Basin Association held its annual meeting on Saturday, March 6, 2010, at the Historic Courthouse. Commissioner Hall added that there were a lot of visitors, everything went well, and there were many commendations for the Courthouse.

Commissioner Carter announced that the Yanceyville Rotary Club would be having its annual Omelet Supper on Tuesday, March 16, 2010, at 5:00 p.m. at the Bartlett Yancey High School Cafeteria.

Commissioner Carter announced that the Yanceyville Volunteer Fire Department would be having its Annual Pancake Supper on Tuesday, March 23, 2010, at 5:00 p.m. at the Bartlett Yancey High School Cafeteria.

Chairman Ward informed the Board that he had received a thank-you note from Dr. Walter Bartlett, President, Piedmont Community College, for the Board's approval of the appropriation of funds for roof repair at the College.

THE ADJOURNMENT

At 8:20 p.m. Commissioner Travis moved, seconded by Commissioner Satterfield to adjourn the meeting. The motion carried unanimously.

Wanda P. Smith
Clerk to the Board

George W. Ward, Jr.
Chairman
